

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 604

**49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009**

AN ACT

RELATING TO GAME AND FISH; AMENDING SECTIONS OF THE NMSA 1978  
TO PROVIDE FOR ELECTION OF STATE GAME COMMISSION MEMBERS;  
PROVIDING FOR APPORTIONMENT OF STATE GAME COMMISSION DISTRICTS;  
PROVIDING FOR STAGGERED TERMS; PROVIDING FOR FILLING OF  
VACANCIES; PROVIDING FOR RESIDENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 1-8-13 NMSA 1978 (being Laws 1969,  
Chapter 240, Section 162, as amended) is amended to read:

"1-8-13. PRIMARY ELECTION LAW--CONTENTS OF  
PROCLAMATION.--

A. The proclamation calling a primary election  
shall contain:

~~[A.]~~ (1) the names of the major political  
parties participating in the primary election;

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underscoring material = new  
[bracketed material] = delete

1                   [~~B.~~] (2) the offices for which each political  
2 party shall nominate candidates; provided that if any law is  
3 enacted by the legislature in the year in which the primary  
4 election is held and the law does not take effect until after  
5 the date of the proclamation but prior to the date of the  
6 primary election, the proclamation shall conform to the intent  
7 of the law with respect to the offices for which each political  
8 party shall nominate candidates;

9                   [~~C.~~] (3) the date on which declarations of  
10 candidacy and nominating petitions for United States  
11 representative, any office voted upon by all the voters of the  
12 state, a legislative office, the office of district judge,  
13 district attorney, [~~state board of~~] public education  
14 commission, public regulation commission, state game commission  
15 or magistrate shall be filed and the places where they shall be  
16 filed in order to have the candidates' names printed on the  
17 official ballot of their party at the primary election;

18                   [~~D.~~] (4) the date on and place at which  
19 declarations of candidacy shall be filed for any other office  
20 and filing fees paid or, in lieu thereof, a pauper's statement  
21 of inability to pay;

22                   [~~E.~~] (5) the final date on and place at which  
23 candidates for the office of United States representative and  
24 for any statewide office seeking preprimary convention  
25 designation by the major parties shall file petitions and

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[bracketed material] = delete

1 declarations of candidacy;

2 ~~[F-]~~ (6) the final date on which the major  
 3 political parties shall hold state preprimary conventions for  
 4 the designation of candidates; and

5 ~~[G-]~~ (7) the final date on and place at which  
 6 certificates of designation of primary election candidates  
 7 shall be filed by political parties with the secretary of  
 8 state.

9 B. As used in the Primary Election Law, "statewide  
 10 office" means ~~[any]~~ an office voted on by all the voters of the  
 11 state."

12 Section 2. Section 1-8-25 NMSA 1978 (being Laws 1969,  
 13 Chapter 240, Section 170, as amended) is amended to read:

14 "1-8-25. PRIMARY ELECTION LAW--DECLARATION OF  
 15 CANDIDACY--PROPER FILING OFFICER.--The proper filing officer  
 16 for filing declarations of candidacy is:

17 A. the secretary of state for the offices of:

- 18 (1) United States senator;
- 19 (2) United States representative;
- 20 (3) all state elective offices;
- 21 (4) legislative offices elected from  
 22 multicounty districts;
- 23 (5) all public regulation commission  
 24 districts;
- 25 (6) all state game commission districts;

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 [bracketed material] = delete

1                    [~~6~~] (7) all elective judicial offices in the  
2 judicial department, except magistrates; and

3                    [~~7~~] (8) all offices representing a district  
4 composed of more than one county; and

5                    B. the county clerk for the offices of:

6                    (1) all elective county offices;

7                    (2) magistrates; and

8                    (3) legislative offices elected from a  
9 district located wholly within one county or that is composed  
10 of only one county."

11                    Section 3. Section 1-8-33 NMSA 1978 (being Laws 1973,  
12 Chapter 228, Section 7, as amended) is amended to read:

13                    "1-8-33. PRIMARY ELECTION LAW--NOMINATING PETITION--  
14 NUMBER OF SIGNATURES REQUIRED.--

15                    A. As used in this section, "total vote" means the  
16 sum of all votes cast for all of the party's candidates for  
17 governor at the last preceding primary election at which the  
18 party's candidate for governor was nominated.

19                    B. Candidates who seek preprimary convention  
20 designation shall file nominating petitions at the time of  
21 filing declarations of candidacy. Nominating petitions for  
22 those candidates shall be signed by a number of voters equal to  
23 at least two percent of the total vote of the candidate's party  
24 in the state or congressional district, or the following number  
25 of voters, whichever is greater: for statewide offices, two

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1 hundred thirty voters; and for congressional candidates,  
2 seventy-seven voters.

3 C. Nominating petitions for candidates for any  
4 other office to be voted on at the primary election for which  
5 nominating petitions are required shall be signed by a number  
6 of voters equal to at least three percent of the total vote of  
7 the candidate's party in the district or division, or the  
8 following number of voters, whichever is greater: for  
9 metropolitan court and magistrate courts, ten voters; for the  
10 public regulation commission, fifty voters; for the state game  
11 commission, fifty voters; for the public education commission,  
12 twenty-five voters; for state representative, ten voters; for  
13 state senator, seventeen voters; and for district attorney and  
14 district judge, fifteen voters.

15 D. A candidate who fails to receive the preprimary  
16 convention designation that the candidate sought may collect  
17 additional signatures to total at least four percent of the  
18 total vote of the candidate's party in the state or  
19 congressional district, whichever applies to the office the  
20 candidate seeks, and file a new declaration of candidacy and  
21 nominating petitions for the office for which the candidate  
22 failed to receive a preprimary designation. The declaration of  
23 candidacy and nominating petitions shall be filed with the  
24 secretary of state either ten days following the date of the  
25 preprimary convention at which the candidate failed to receive

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1 the designation or on the date all declarations of candidacy  
2 and nominating petitions are due pursuant to the provisions of  
3 the Primary Election Law, whichever is later."

4 Section 4. Section 1-8-51 NMSA 1978 (being Laws 1977,  
5 Chapter 322, Section 7, as amended) is amended to read:

6 "1-8-51. INDEPENDENT CANDIDATES FOR GENERAL OR UNITED  
7 STATES REPRESENTATIVE SPECIAL ELECTIONS--NOMINATING  
8 PETITIONS--REQUIRED NUMBER OF SIGNATURES.--

9 A. The basis of percentage for the total number of  
10 votes cast in each instance referred to in this section shall  
11 be the total vote cast for governor at the last preceding  
12 general election at which a governor was elected.

13 B. Nominating petitions for an independent  
14 candidate for president of the United States shall be signed by  
15 a number of voters equal to at least three percent of the total  
16 number of votes cast in the state.

17 C. Nominating petitions for an independent  
18 candidate for United States senator or any other statewide  
19 elective office shall be signed by a number of voters equal to  
20 at least three percent of the total number of votes cast in the  
21 state.

22 D. Nominating petitions for an independent  
23 candidate for United States representative shall be signed by a  
24 number of voters equal to at least three percent of the total  
25 number of votes cast in the district.

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1 E. Nominating petitions for an independent  
 2 candidate for a member of the legislature, public regulation  
 3 commission, state game commission, district judge, district  
 4 attorney, member of the [~~state board of~~] public education  
 5 commission, magistrate or county office shall be signed by a  
 6 number of voters equal to at least three percent of the total  
 7 number of votes cast in the district, division or county, as  
 8 the case may be.

9 F. A voter shall not sign a petition for an  
 10 independent candidate as provided in this section if [~~he~~] the  
 11 voter has signed a petition for another independent candidate  
 12 for the same office."

13 Section 5. Section 17-1-2 NMSA 1978 (being Laws 1921,  
 14 Chapter 35, Section 2, as amended) is amended to read:

15 "17-1-2. STATE GAME COMMISSION--~~[APPOINTMENT--TERM]~~  
 16 ELECTION.--

17 A. To carry out the purpose of Chapter 17 NMSA 1978  
 18 and all other acts for like purpose, there is created a "state  
 19 game commission" consisting of seven members [~~not more than~~  
 20 ~~four of whom shall be of the same political party at the time~~  
 21 ~~of their appointment. The members of the commission shall be~~  
 22 ~~appointed by the governor with the advice and consent of the~~  
 23 ~~senate. The term of office for each member of the commission~~  
 24 ~~shall be four years. At the time of making the first~~  
 25 ~~appointments, the governor shall designate the commissioners'~~

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1 ~~terms as being one, two, three or four years so that the term~~  
2 ~~of no more than two commissioners shall expire each year. In~~  
3 ~~making appointments to the state game commission].~~

4 B. Following apportionment pursuant to the Precinct  
5 Boundary Adjustment Act after the 2010 census, one member shall  
6 be [appointed from each of the following districts:

7 A. district one: Curry, De Baca, Roosevelt,  
8 Chaves, Lincoln, Otero, Eddy and Lea counties;

9 B. district two: Catron, Socorro, Grant,  
10 Hidalgo, Luna, Sierra and Dona Ana counties;

11 C. district three: San Juan, McKinley,  
12 Gibola, Valencia, Sandoval, Los Alamos and Rio Arriba counties;

13 D. district four: Santa Fe, Taos, Colfax,  
14 Union, Mora, Harding, Quay, San Miguel, Guadalupe and Torrance  
15 counties; and

16 E. district five: Bernalillo county.

17 ~~The remaining two members shall be appointed at-large. At~~  
18 ~~least one member of the commission shall manage and operate a~~  
19 ~~farm or ranch that contains at least two species of wildlife on~~  
20 ~~that part which is deeded land requiring licensing prior to~~  
21 ~~legal pursuit under the provisions of Section 17-3-2 NMSA 1978.~~  
22 ~~At least one member shall have a demonstrated history of~~  
23 ~~involvement in wildlife and habitat protection issues and whose~~  
24 ~~activities or occupation are not in conflict with wildlife and~~  
25 ~~habitat advocacy. The state game commission as provided in~~

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1 ~~Chapter 17 NMSA 1978 shall have the same authority, powers and~~  
 2 ~~duties as now vested in the state game commission by law, and~~  
 3 ~~each member of the state game commission shall serve until his~~  
 4 ~~successor has been appointed and qualified] elected from the~~  
 5 following districts established by law:

6 (1) state game commission district one \_\_\_\_\_;

7 (2) state game commission district two \_\_\_\_\_;

8 (3) state game commission district three \_\_\_\_\_;

9 (4) state game commission district four \_\_\_\_\_;

10 (5) state game commission district five \_\_\_\_\_;

11 (6) state game commission district six \_\_\_\_\_;

12 and

13 (7) state game commission district seven \_\_\_\_\_.

14 C. Designations and boundaries used in this section  
 15 are those precinct designations and boundaries established  
 16 pursuant to the Precinct Boundary Adjustment Act and revised  
 17 and approved by the secretary of state.

18 D. A board of county commissioners shall not create  
 19 any precinct that lies in more than one state game commission  
 20 district and shall not divide any precinct so that the divided  
 21 parts of the precinct are situated in two or more state game  
 22 commission districts. Votes cast in a statewide election from  
 23 precincts created or divided in violation of this subsection  
 24 are invalid and shall not be counted or canvassed.

25 E. At the time of filing a declaration of candidacy

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1 for the office of state game commission member, a candidate  
2 shall reside in the district for which the candidate files. If  
3 any elected member of the state game commission permanently  
4 removes the member's residence from or maintains no residence  
5 in the district from which the member was elected, the member  
6 shall be deemed to have resigned and the member's successor  
7 shall be selected as provided in this section.

8 F. Members of the state game commission shall be  
9 elected for staggered four-year terms, provided that commission  
10 members elected in the 2012 general election shall classify  
11 themselves by lot so that three commission members shall  
12 initially serve terms of two years and four commission members  
13 shall serve terms of four years. Thereafter, all commission  
14 members shall serve four-year terms. After serving two terms,  
15 a commission member shall be ineligible to hold office as a  
16 commission member until one full term has intervened.

17 G. The governor shall by appointment fill vacancies  
18 on the state game commission. An appointment to fill a vacancy  
19 on the state game commission shall be for a term ending on  
20 December 31 after the next general election, at which election  
21 a person shall be elected to fill any remainder of the  
22 unexpired term.

23 H. An appointment to fill a vacancy on the state  
24 game commission shall be made from the district as described  
25 pursuant to this section.

